

To:

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

United States Patent and Trademark Office (Box PCT) Crystal Plaza 2 Washington, DC 20231

Date of mailing (day/month/year)
17 August 1998 (17.08.98)

International application No.
PCT/GB98/00015

International filing date (day/month/year)
05 January 1998 (05.01.98)

Applicant
HORNE, James, Anthony et al

1.	The designated Office is he	ereby notified of its election made:	
"		with the International Preliminary Examining Authority on:	
		29 July 1998 (29.07.98)	-
	in a notice effecting	later election filed with the International Bureau on:	
	-		
2.	The election X was	•	i
	was	not	•
	made before the expiration Rule 32.2(b).	n of 19 months from the priority date or, where Rule 32 app	lies, within the time limit under

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

Peggy Steunenberg

Telephone No.: (41-22) 338.83.38

Facsimile No.: (41-22) 740.14.35

PATENT COOPERATION TREATY

		From the INTERNATIONAL BU	JREAU
	PCT	То:	
Γ	NOTIFICATION OF THE RECORDING OF A CHANGE (PCT Rule 92bis.1 and Administrative Instructions, Section 422) Date of mailing (day/month/year)	TILLBROOK, Christopher, J 1 Mill Street Warwick CV34 4HB ROYAUME-UNI	ohn
	02 October 1998 (02.10.98)		
Ì	Applicant's or agent's file reference DC277IP97040	IMPORTANT NOTI	FICAT ⊕↓
	International application No. PCT/GB98/00015	International filing date (day/month/y) 05 January 1998 (05.01.98)	
	The following indications appeared on record concerning: X the applicant X the inventor	the agent the comme	on representative
	Name and Address HORNE, James, Anthony 9 The Drive Woodhouse Eaves Leicestershire LE11 3TU	State of Nationality GB Telephone No.	State of Residence GB
	United Kingdom	Facsimile No. Teleprinter No.	
	2. The International Bureau hereby notifies the applicant that the the person the name X the add		concerning: the residence
	Name and Address HORNE, James, Anthony 14 Paterson Drive Woodhouse Eaves	State of Nationality GB Telephone No.	State of Residence GB
→	Loughborough Leicestershire LE12 8RL United Kingdom Add 4 15-15 Has save on Hea	Facsimile No.	
^	de do 10 1 1001.	Teleprinter No	
	3. Further observations, if necessary:		
	4. A copy of the notification has been sent to:		
	X the receiving Office	the designated Offices	
	the International Searching Authority X the International Preliminary Examining Authority	X the elected Offices cor	rcemeo
	The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer P. Regis	
	Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38	

•	From the INTERNATIONAL BUREAU
PCT	То:
NOTIFICATION OF THE RECORDING OF A CHANGE (PCT Rule 92bis.1 and Administrative Instructions, Section 422) Date of mailing (day/month/year) 02 October 1998 (02.10.98)	TILLBROOK, Christopher, John 1 Mill Street Warwick CV34 4HB ROYAUME-UNI
Applicant's or agent's file reference DC277IP97040	IMPORTANT NOTIFICATION
International application No. PCT/GB98/00015	International filing date (day/month/year) 05 January 1998 (05.01.98)
The following indications appeared on record concerning: X the applicant X the inventor	the agent the common representative
Name and Address REYNER, Louise, Ann 20 Station Road Quorn Leicestershire LE12 8BS United Kingdom	State of Nationality State of Residence GB GB Telephone No. Facsimile No.
The International Bureau hereby notifies the applicant that the person the name X the additional than the person that the person the name X the additional than the person that the person the person than the person that	
Name and Address REYNER, Louise, Ann 14 Paterson Drive Woodhouse Eaves Loughborough Leicestershire I F12 8RL United Kingdom Address on the declar cestion the Sauce 3. Further observations, if necessary:	State of Nationality GB GB Telephone No. Facsimile No. Teleprinter No.
4. A copy of this notification has been sent to: X the receiving Office the International Searching Authority X the International Preliminary Examining Authority	the designated Offices concerned X the elected Offices concerned other:
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer P. Regis Telephone No.: (41-22) 338.83.38

Telephone No.: (41-22) 338.83.38

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PATENT COOPERATION TREATY 2 8 ELC. 199 8 POT

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

		(PCT Article 36 and	d Rule 70)
Applicant's or	agent's file reference	FOR FURTHER ACTIO	See Notification of Transmittal of International
DC277IP9	7040	FOR FORTHER ACTIO	Preliminary Examination Report (PCT/IPEA/416)
International	application No.	International filing date (day/month	th/year) Priority date (day/month/year)
PCT/GB98	/00015	05/01/1998	04/01/1997
International	Patent Classification (IPC) of	or national classification and IPC	
G08B21/0			
Applicant		•	•
HORNE, J	ames Anthony et al		
1. This int	ernational preliminary ex	camination report has been prepare	red by this International Preliminary Examining Authority
and is t	ransmitted to the applica	ant according to Article 36.	•
2. This Re	EPORT consists of a total	al of 5 sheets, including this cover	r sheet.
KN T⊩	is report is also accomp	anied by ANNEYES i.e. sheets of	of the description, claims and/or drawings
wh	rich have been amended	d and are the basis for this report a	and/or sheets containing rectifications made
be	fore this Authority (see f	Rule 70.16 and Section 607 of the A	Administrative Instructions under the PCT).
T 5		al of 2 shoots	
Inese	annexes consist of a tota	nor 2 sneets.	
			*
3. This re	port contains indications	relating to the following items:	
	⊠ Basis of the repo	rt .	•
1		T.	
111		nt of opinion with regard to novelty	y, inventive step and industrial applicability
IV	☐ Non-establishme☐ Lack of unity of ir		y, mosnimo etop and mesasam ()
V			d to novelty, inventive step or industrial applicability;
V	citations and exp	lanations supporting such stateme	ent
VI	☐ Certain documen	its cited	
VII	□ Certain defects in	n the international application	
VIII		ions on the international application	on
Date of sub	mission of the demand	Date	of completion of this report
			n
29/07/199	98		2 2. 12. 98
		Auth	norized officer
Name and r	nailing address of the IPEA/	Aune	TOTAL OF THE PROPERTY OF THE P
	European Patent Office	l	Service And Servic
a	D-80298 Munich		ight, J
<u> </u>	Tel. (+49-89) 2399-0, Tx: Fax: (+49-89) 2399-4465		ephone No. (+49-89) 2399-2705

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB98/00015

I. Basis of the report

1. This report has been drawn on the basis of (substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

	tne	repoπ sınce tney a	o not contain amendments.):			
	Des	cription, pages:				
	1-19	5	as originally filed			
	Cla	ims, No.:				
	1-10)	as received on	30/11/1998	with letter of	27/11/1998
	Dra	wings, sheets:				
	1/30)-30/30	as originally filed			
2.	The	amendments have	e resulted in the cancellation of	•	•	
		the description,	pages:			
		the claims,	Nos.:			
		the drawings,	sheets:			
3.		This report has be considered to go	een established as if (some of) beyond the disclosure as filed	the amendme (Rule 70.2(c)):	nts had not been mad	e, since they have been
4	Ada	ditional observation	ns if necessary:	·		
٠.	,		·-, ·· · · · · · · · · · · · ·			



International application No. PCT/GB98/00015

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes:

Claims 1-10

No:

Claims

Inventive step (IS)

Claims Yes:

Claims

No:

1-10

Industrial applicability (IA)

Yes:

Claims 1-10

Claims No:

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

INTERNATIONAL PRELIMINARY



- The following document(s) will be referred to in this report; the numbering will be adhered 1. to in the rest of the procedure:
 - DE-A-44 00 207 [MITSUBISHI JIDOSHA KOGYO K.K.] D1

The subject-matter of document D1 is considered to represent the prior art the closest to that of the present application.

In the following discussion, the patentability of the claims will be examined with regard to 2. the requirements of the PCT. In particular, the claims will be examined for novelty, as defined in 33(2) PCT, and for inventive step, as defined in Art. 33(3) PCT. In addition other aspects, such as clarity requirements of Art. 6 PCT, may be discussed as appropriate.

2.1 Claim 1

As far as can be understood, claim 1 appears to be new, Art. 33(2) PCT. However, claim 1 lacks an inventive step over the prior art, Art. 33(3) PCT.

Document D1 is considered to represent the closest prior art to the present invention. Claim 1 differs from D1 in that it comprises a personal data interface. The person skilled in the art would provide whatever interface was required without making an inventive step. The inclusion of this feature is therefore considered not to represent an inventive step. However, it is noted that if a new claim had been filed where such personal data was used in arriving at the detection of sleepiness, the examiner is of the provisional opinion that this could have been considered as an inventive feature. In the present claim this is merely an optional feature.

Claim 1 is not allowable under Art. 6 PCT since it is unclear for the following reasons:

- the feature "of circadian algorithm" has no meaning. a.
- Claims 2 to 4. 2.2

Claim 2 to 4 are not allowable because they lack an inventive step, Art. 33(3) PCT. The reason being that none of the features of claims 6 to 10 appear to contribute subject matter which goes beyond routine work for the person skilled in the art.

2.3 Claim 5

Claim 5 is not allowable since it contains subject matter which is not found in the original



disclosure, in particular the feature of "driver or operator environment" is broader than the term "cab temperature" upon which it appears to be based. The claim therefore appears to be not allowable under Art. 34 2 b PCT.

If this feature were returned to it's original form, it would however not involve an inventive step. The examiner is of the opinion that it is obvious to monitor cab temperature in assessing sleep tendency.

2.4 Claim 6

Claim 6 merely offers an alternative sleepiness causing monitor factor to the prior art D1. The person skilled in the art would use any such data for monitoring sleep tendency without making an inventive step.

2.5 Claims 7 and 8

Claims 7 and 8 contain subject matter which appears to be both new and to involve an inventive step, Art. 33(2) and (3) PCT.

2.6 Claim 9

Claim 9 relies for the definition of its scope on features which are only to be found in the drawings. As such the scope of the claim is unclear and it therefore offends against Art. 6 PCT.

2.7 Claim 10

D1 also discloses a vehicle, see fig. 2, therefore the subject matter of claim 10, which refers to claim 1, is lacking in inventive step, Art. 33(3) PCT.

Claim 10 would have been allowable, had it referred to claims which were themselves allowable.

- In the following section, certain defects in the International Application will be noted. 3.
- Document D1 should have been mentioned in the description in accordance with Rule 5.1 3.1 a ii PCT
- The description should have been brought into accordance with the claims presently on file 3.2 in accordance with Rule 5.1 a iii PCT.





PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	FOR FURTHER See Notific (Form PCT	ation of Transmittal of International Search Report (/ISA/220) as well as, where applicable, item 5 below.
DC277IP97040 International application No.	International filing date (day/month/ye	ar) (Earliest) Priority Date (day/month/year)
PCT/GB 98/00015	05/01/1998	04/01/1997
Applicant		
HORNE, Jim, A. et al.		
according to Article 18. A copy is being tra	ansmitted to the International Bureau.	ng Authority and is transmitted to the applicant
This International Search Report consists X It is also accompanied by a cop	of a total of <u>2</u> sheets, y of each prior art document cited in this	
Certain claims were found un	searchable(see Box I).	
2. Unity of invention is lacking(s	see Box II).	
	ntains disclosure of a nucleotide and/or I out on the basis of the sequence listing	amino acid sequence listing and the
	with the international application.	
furn	ished by the applicant separately from the but not accompanied by a statement	, ,,
		in the international application as filed.
Trai	nscribed by this Authority	
4. With regard to the title , X the	text is approved as submitted by the app	plicant
the	text has been established by this Author	ity to read as follows:
	* .	
5. With regard to the abstract,		
X the	text is approved as submitted by the app	Dlicant
Box		Rule 38.2(b), by this Authority as it appears in a fromthe date of mailing of this International thority.
6. The figure of the drawings to be publ	ished with the abstract is:	
Figure No X as s	suggested by the applicant.	None of the figures.
bec	ause the applicant failed to suggest a fig	ure.
bec	ause this figure better characterizes the	invention.

INTERNOONAL SEARCH REPORT

			
IPC 6	IFICATION OF SUBJECT MATTER G08B21/00		
	o International Patent Classification(IPC) or to both national classific	cation and IPC	
	SEARCHED		
IPC 6	ocumentation searched (classification system followed by classificat G08B A61B	ion symbols)	
Documenta	tion searched other than minimum documentation to the extent that	such documents are included in the fields se	arched
Electronic d	data base consulted during the international search (name of data b	ase and, where practical, search terms used)
	•		
C. DOCUM	ENTS CONSIDERED TO BE RELEVANT		
Category °	Citation of document, with indication, where appropriate, of the re	levant passages	Relevant to claim No.
Α	DE 44 00 207 A (MITSUBISHI) 7 J see claims 1-18	uly 1994	1-11
А	EP 0 713 675 A (PIONEER ELECTRON 29 May 1996 see claims 1-5	IC CORP.)	1-11
Α	WO 95 05649 A (VORAD SAFETY SYST February 1995 see abstract	EMS) 23	1-11
		1	·
		,	
	her documents are listed in the continuation of box C.	Y Patent family members are listed	in annex
		χ Patent family members are listed	amox.
,	ategories of cited documents : ent defining the general state of the art which is not	"T" later document published after the inte or priority date and not in conflict with	the application but
consid	dered to be of particular relevance document but published on or after the international	cited to understand the principle or th invention	
filing o		"X" document of particular relevance; the c cannot be considered novel or cannot involve an inventive step when the do	be considered to
which citatio	is cited to establish the publication date of another n or other special reason (as specified)	"Y" document of particular relevance; the cannot be considered to involve an in	claimed invention
other	ent referring to an oral disclosure, use, exhibition or means	document is combined with one or mo ments, such combination being obvio	ore other such docu-
"P" docume	ent published prior to the international filing date but han the priority date claimed	in the art. "&" document member of the same patent	family
Date of the	actual completion of theinternational search	Date of mailing of the international sea	rch report
. 2	5 March 1998	03/04/1998	* .
Name and	mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2	Authorized officer	
	NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Sgura, S	

1 .



In	onal Application No	
PCT/0	GB 98/00015	

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE 4400207 A	07-07-94	JP 6197888 A KR 9710575 B US 5574641 A	19-07-94 28-06-97 12-11-96
EP 713675 A	29-05-96	JP 8140949 A	04-06-96
WO 9505649 A	23-02-95	US 5465079 A AU 677858 B AU 7396494 A BR 9407460 A CA 2169262 A EP 0713595 A JP 9501784 T	07-11-95 08-05-97 14-03-95 12-11-96 23-02-95 29-05-96 18-02-97

INTERNATIONAL SEARCH REPORT

hational Application No. F/GB 98/00015

			/F/GB 98/00015
A. CLASS	SIFICATION OF SUBJECT MATTER G08B21/00		
According	to International Patent Classification (IPC) or to both national class	illeation and IPC	
B. FIELOS	8 SEARCHED		
Minimum of IPC 6	documentation searched (classification system followed by classification s	eation symbols)	
Documents	ation searched other than minimumdocumontation to the extent th	at such documents are included in	the fields searched
Electronic	data base consulted during the International search (name of data	base and, where practical, search	n terms used)
C. DOCUM	ENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with Indication, where appropriate, of the	relevant passages	Relavant to claim No.
Α .	DE 44 00 207 A (MITSUBISHI) 7 see claims 1-18	July 1994	1-11
A	EP 0 713 675 A (PIONEER ELECTRO 29 May 1996 see claims 1-5	NIC CORP.)	1-11
A	WO 95 05649 A (VORAD SAFETY SYS February 1995 see abstract	TEMS) 23	1-11
Furthe	er documents are listed in the continuation of box C.	X Patent femily members	are listed in annex.
'A" document consider the filling da fur document which is chatlen of document other me fater tha	it which may throw doubts on priority claim(s) or clied to ealablish the publicationdate of snother or other special reason (se specified) It referring to an oral disclosure, use, exhibition or	cited to understand the pri- invanilon "X" document of particular relev- cannot be considered nove- involve an invanilye step w "Y" document of particular relev- cannot be considered to in- document is combined with	conflict with the application but inciple or theory underlying the same income income in cannot be accusied to the the document in taken alone since; the claimed invention wolve an inventive step when the income of more other such document in a person skilled ime patent family
	March 1998	03/04/1998	
lame and ma	illing address of the ISA European Patent Office, P.B. 5818 Patentiaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Squra. S	

Form PCT/ISA/210 (second shoot) (July 1992)

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INTERNATIONAL	SEARCH	REPOR	1
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Inte	n on patent family med	mbers of the	GB 98/00015
Patent document	Publication date	Patent family member(s)	Publication date
DE 4400207 A	07-07-94	JP 6197888 A KR 9710575 B	19-07-94 28-06-97
		US 5574641 A	12-11-96
EP 713675 A	29-05-96	JP 8140949 A	04-06-96
WO 9505649 A	23-02-95	US 5465079 A AU 677858 B	07-11-95 08-05-97
		AU 7396494 A	14-03-95
		BR 9407460 A CA 2169262 A	12-11-96
		EP 0713595 A	23-02-95 29-05-96
		JP 9501784 T	18-02-97

Form PCT/ISA/210 (patent family annex) (July 1992)





PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's	•	nt's file reference	FOR FURTHER	ACTION	See Notification of Transmittal of International Preliminary Examination Report (PCT/IPEA/416)
Internation	al eoplic	ation No.	International filing date (d	av/mooth/voar)	Priority date (day/month/year)
PCT/GB			05/01/1998	ay/moneryea/	04/01/1997
			ational classification and IP6		04/01/199/
G08B21		COASSINCATION (IF C) OF TR		•	
GUOBZI	00				
Applicant					
HORNE.	Jame	s Anthony et al			
1 This	ntarnat	ional preliminant evam	ination report has been	proposed by th	nis International Preliminary Examining Authority
and h	s transi	nitted to the applicant	according to Article 36.	prepared by th	is international Proliminary Examining Authority
2. This	REPOF	RT consists of a total of	5 sheets, including thi	s cover sheet.	
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	This rep which h	oort is also accompanie lave been amended an	ed by ANNEXES, i.e., she	eets of the de	scription, claims and/or drawings heets containing rectifications made
	efore t	his Authority (see Rule	70.16 and Section 607	of the Adminis	strative Instructions under the PCT).
			· \		·
Thes	annex	es consist of a total of	2 sheets.		
	_		<u> </u>		
3. This i	eport c	ontains indications rela	ating to the following item	Je.	
1	×	Basis of the report			
11		Priority	•		
		Non-establishment of	f opinion with regard to (novelty, inventi	ve step and industrial applicability
١٧		Lack of unity of Inver	itlon		
v	×	Reasoned statement citations and explana	under Article 35(2) with itions supporting such st	regard to nove	etty, inventive step or industrial applicability;
VI		Certain documents c	ited		
VII	Ø	Certain defects in the	International application	า	
VIII	×	Certain observations	on the international app	lication	
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Date of su	noleelmo	of the demand		Date of comple	elion of this report
J.					· · · · · · · · · · · · · · · · · · ·
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	Euro	pean Patent Office			
0))		0298 Munich (+49-89) 2399-0, Tv: 5236	SES enmu d	Wright, J	
		(+49-89) 2399-0. Tx: 5236 : (+49-89) 2399- 4465	эээ өрши ч	Telephone No.	(+49-89) 2399-2705
50T0		(Cover sheet) (January 1			



International application No. PCT/GB98/00015

I.	Basis	of the	report

•	res	ponse to an invitati	ion under Article 14 are referred to not contain amendments.):			
	Des	scription, pages:				
	1-1:	5	as originally filed			
	Cla	ims, No.:				
	1-10	0	as received on	30/11/1998	with letter of	27/11/1998
	Dra	wings, sheets:				
	1/30	0-30/30	as originally filed			
2.	The	amendments have	e resulted in the cancellation of:			
		the description,	pages:			
		the claims,	Nos.:			
		the drawings,	sheets:		•	
3.		This report has be considered to go b	een established as if (some of) the come of the composition of the disclosure as filed (F	he amendmer Rule 70.2(c)):	nts had not been made	e, since they have been

Form PCT/IPEA/409 (Boxes I-VIII, Sheet 1) (January 1994)

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4. Additional observations, if necessary:



International application No. PCT/GB98/00015

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes:

Claims 1-10

No:

Claims

Inventive step (IS)

Yes:

Claims

No:

Claims 1-10

Industrial applicability (IA)

EXAMINATION REPORT

Yes:

Claims 1-10

No:

Claims

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

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INTERNATIONAL PRELIMINARY International application No. PCT/GB98/00015 EXAMINATION REPORT - SEPARATE SHEET

1. The following document(s) will be referred to in this report; the numbering will be adhered to in the rest of the procedure:

D1 DE-A-44 00 207 [MITSUBISHI JIDOSHA KOGYO K.K.]

The subject-matter of document D1 is considered to represent the prior art the closest to that of the present application.

2. In the following discussion, the patentability of the claims will be examined with regard to the requirements of the PCT. In particular, the claims will be examined for novelty, as defined in 33(2) PCT, and for inventive step, as defined in Art. 33(3) PCT. In addition other aspects, such as clarity requirements of Art. 6 PCT, may be discussed as appropriate.

2.1 Claim 1

As far as can be understood, claim 1 appears to be new, Art. 33(2) PCT. However, claim 1 lacks an inventive step over the prior art, Art. 33(3) PCT.

Document D1 is considered to represent the closest prior art to the present invention. Claim 1 differs from D1 in that it comprises a personal data interface. The person skilled in the art would provide whatever interface was required without making an inventive step. The inclusion of this feature is therefore considered not to represent an inventive step. However, it is noted that if a new claim had been filed where such personal data was used in arriving at the detection of sleepiness, the examiner is of the provisional opinion that this could have been considered as an inventive feature. In the present claim this is merely an optional feature.

Claim 1 is not allowable under Art. 6 PCT since it is unclear for the following reasons:

a. the feature "of circadian algorithm" has no meaning.

2.2 Claims 2 to 4.

Claim 2 to 4 are not allowable because they lack an inventive step, Art. 33(3) PCT. The reason being that none of the features of claims 6 to 10 appear to contribute subject matter which goes beyond routine work for the person skilled in the art.

2.3 Claim 5

Claim 5 is not allowable since it contains subject matter which is not found in the original

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Form PCT/Separate Sheet/409 (Sheet 1) (EPO-April 1997)





INTERNATIONAL PRELIMINARY International application No. PCT/GB98/00015 EXAMINATION REPORT - SEPARATE SHEET

disclosure, in particular the feature of "driver or operator environment" is broader than the term "cab temperature" upon which it appears to be based. The claim therefore appears to be not allowable under Art. 34 2 b PCT.

If this feature were returned to it's original form, it would however not involve an inventive step. The examiner is of the opinion that it is obvious to monitor cab temperature in assessing sleep tendency.

2.4 Claim 6

Claim 6 merely offers an alternative sleepiness causing monitor factor to the prior art D1. The person skilled in the art would use any such data for monitoring sleep tendency without making an inventive step.

2.5 Claims 7 and 8

Claims 7 and 8 contain subject matter which appears to be both new and to involve an inventive step, Art. 33(2) and (3) PCT.

2.6 Claim 9

Claim 9 relies for the definition of its scope on features which are only to be found in the drawings. As such the scope of the claim is unclear and it therefore offends against Art. 6 PCT.

2.7 Claim 10

D1 also discloses a vehicle, see fig. 2, therefore the subject matter of claim 10, which refers to claim 1, is lacking in inventive step, Art. 33(3) PCT.

Claim 10 would have been allowable, had it referred to claims which were themselves allowable.

- 3. In the following section, certain defects in the International Application will be noted.
- 3.1 Document D1 should have been mentioned in the description in accordance with Rule 5.1 a li PCT
- 3.2 The description should have been brought into accordance with the claims presently on file in accordance with Rule 5.1 a iii PCT.

Form PCT/Separate Shcet/408 (Sheet 2) (EPO-April 1997)

NTE ATIONAL SEARCH REPORT

ernational Application No

I/GB 98/00015

MUN 0 3 1999

A. CLASSIF	ICATION OF SUBJ	ECTATION
TPC 6	G08B21/00	7

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 G08B A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	DE 44 00 207 A (MITSUBISHI) 7 July 1994 see claims 1-18	1-11
A	EP 0 713 675 A (PIONEER ELECTRONIC CORP.) 29 May 1996 see claims 1-5	1-11
A	WO 95 05649 A (VORAD SAFETY SYSTEMS) 23 February 1995 see abstract	1-11

Further documents are listed in the continuation of box C.	X Patent family members are listed in annex.
 Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed 	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "&" document member of the same patent family
Date of the actual completion of the international search 25 March 1998	Date of mailing of the International search report 03/04/1998
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Sgura, S

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